

FAX RECEIVED

FEB 25 2002

PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

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# **PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

0002.12

First named inventor: John S. Patton

Group Art Unit: 1653

Application Number: 09/577,264

Examiner: Unassigned

Filed: May 22, 2000

Title: PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE

Attention: Office of Petitions  
Assistant Commissioner for Patents

Box DAC

Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

## **APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

### **1. Petition fee**

- ☐ small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.
- ☒ other than small entity - fee \$ 110.00 (37 CFR 1.17(l)).

### **2. Reply and/or fee**

#### **A. The reply and/or fee to the above-noted Office action in**

the form of fees, copy of executed Oath & Assignment from parent application (identify the type of reply):  
(Response to Notice to File Missing Parts - Never Received)

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

#### **B. The issue fee of \$ \_\_\_\_\_**

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 3]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Adjusted date: 05/03/2002  
05/03/2002  
03 FC:02

05/03/2002  
05/03/2002  
03 FC:02

05/03/2002  
05/03/2002  
03 FC:02

09577264

03/01/2003 SDIRET01 00000003 500348

84.00 CH

03 FC:1201

PTO/SB/61 (10-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity of \$\_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

2-22-02  
Date

Telephone  
Number: (650) 631-3100

Susan T. Evans  
Signature Fig. No. 3B, 443

Susan T. Evans  
Typed or printed name

Inhale Therapeutic Systems, Inc., 150 Industrial Road  
Address  
San Carlos, CA 94070

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ \_\_\_\_\_

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

2/25/2002  
Date

Karen J. Moir  
Signature

Karen J. Moir  
Typed or printed name of person signing certificate

PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

02-22-02  
Date

*Susan T. Evans*  
Signature

Susan T. Evans

Typed or printed name

*Reg. No. 38,443*

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Applicant received a Notice of Abandonment which was mailed on February 11, 2002 stating that Applicant failed to reply to a Notice to File Missing Parts that was mailed on August 22, 2000. Applicant attaches herewith a copy of our Patsy Docket Report showing that a Notice to File Missing Parts was never received from the United States Patent and Trademark Office.

Applicant respectfully requests that this application be revived on the condition that this application was unavoidably abandoned.

(Please attach *additional sheets* if additional space is necessary)

OPER	SYS	ENTERED	5/26/00	MODIFIED	2/20/02	ATTORNEYS	STE / NA	PRINTED ON:	2/21/02
YOUR#	0002.12	CNTRY	US	UNITED STATES	NEW/CON	CON	RELATED	0002.11	
PATS#	P00002US4	TYPE	UTL	SERIAL#	09/577,264	PATENT#		STAT	PENDING
TITLE	PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE							PUB#	
CLIENT	INHALE	INHALE THERAPEUTIC SYSTEMS	1	CREF		SE	No	Reel	
AGENT				AREF		CLAIMS		Frame	
PRIOR	9/29/92	MAIL	5/22/00	FILE	5/22/00	PUBL		ISSUE	
						EXP		9/29/12	1ST 9/29/92

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
PU	Y	PUBLICATION	5/22/00										
SC	Y	STATUS CHECK	5/22/00										
NC	Y	NOTIFY CLIENT OF FF	5/22/00										
FS	Y	FILG RCPT STATUS CHK	5/22/00										
PC	Y	POST CARD CHECK	5/22/00										
DS	N	INF DISCLOSURE STMT	5/22/00	6 M	11/22/00		11/22/00	0	4/23/01	1 M	Y	Y	Y
	Y	PRELIM. AMENDMENT	4/22/01										
	N	PETITION TO REVIVE	2/14/02	1 M	3/14/02		3/14/02	0		1 M	Y	Y	Y

## INVENTORS

JOHN S. PATTON

## PRIOR APPLICATIONS

REFERENCE#	CNTRY	SERIAL#	FILED	TITLE / DESCRIPTION	TYPE
0002.11	US	09/128,401	8/3/98	PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE	APPL

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PETITIONS OFFICE



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/577,264	05/22/2000	John S. Patton	0002..12

21968  
INHALE THERAPEUTIC SYSTEMS, INC  
150 INDUSTRIAL ROAD  
SAN CARLOS, CA 94070

FAX RECEIVED

FEB 25 2002

PETITIONS OFFICE

CONFIRMATION NO. 4287

ABANDONMENT/TERMINATION  
LETTER

\*OC000000007457011\*

Date Mailed: 02/11/2002

## NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 08/22/2000.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

308-6916

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

953897

Attorney Docket No. 15225-3

## ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, JOHN S. PATTON, 330 Emerald Avenue, San Carlos, CA 94070, hereinafter referred to as "Assignor", is the inventor of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: **PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE**

Date(s) of execution: Sept. 28, 1992

FAX RECEIVED

Filing date: Sept. 29, 1992 Serial No.: \_\_\_\_\_; and

FEB 25 2002

WHEREAS, INHALE THERAPEUTIC SYSTEMS, a California corporation, located at 3603 Haven Avenue, Sta. D, Menlo Park, California 94025, hereinafter referred to as "Assignee", is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

REGISTRATIONS OFFICE

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and all future improvements thereon, and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

MIL 6287 11M1553

Assignor further agrees that he/she will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

John S. Patton  
John S. Patton

9/29/92  
(date)

STATE OF California )

COUNTY OF )

BEFORE ME \_\_\_\_\_, a Notary Public, duly commissioned and sworn, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person/s whose name/s is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the \_\_\_\_\_ County of \_\_\_\_\_ on the date set forth in this certificate.

My Commission Expires: \_\_\_\_\_

NOTARY PUBLIC

RECORDED  
PATENT AND TRADEMARK  
OFFICE

SEP 29 1992

**inhale**  
.....**NOTICE OF CONFIDENTIALITY**

This transmission is intended only for the use of the Addressee and may contain information that is: 1. Subject to attorney/client privilege; 2. Attorney work product; or 3. Confidential. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of the information contained in this facsimile is strictly unauthorized and prohibited. If you have received this facsimile in error, please notify us immediately by collect telephone to the sender named below.

**FACSIMILE MEMO**

**TO:** Office of Petitions **Fax No:** 1-703-308-6916  
**ATTN:** United States Patent and Trademark Office

**FROM:** Susan T. Evans

**FAX Reply:** (650) 631-3125  
**Voice Reply:** (650) 631-3100

**FAX RECEIVED**

**DATE:** February 25, 2002

**Total Pages:** 10  
(including this page)

**FEB 25 2002****PETITIONS OFFICE**

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Enclosed please find a Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR 1.37(a). Please do not hesitate to contact me should you have any questions.

**INHALE THERAPEUTIC SYSTEMS**

150 INDUSTRIAL ROAD, SAN CARLOS, CA USA • (650) 631-3100 • (650) 631-3125 fax

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
 Approved for use through 10/31/2002. OMB 0651-0031  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1996, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/577,264
	Filing Date	May 22, 2000
	First Named Inventor	John S. PATTON
	Group Art Unit	1654
	Examiner Name	Unassigned
Total Number of Pages in This Submission	7	Attorney Docket Number 0002.12

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Patsy Docket Report; Copy of Notice of Abandonment. Copy of Oath <i>sk</i> Copy of Assignment <i>sk</i>
<div style="display: flex; justify-content: space-between;"> <div>Remarks</div> <div style="text-align: center;"> <b>FAX RECEIVED</b>  <b>FEB 25 2002</b>  <b>PETITIONS OFFICE</b> </div> </div>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Susan T. Evans; Inhale Therapeutic Systems, Inc.
Signature	<i>Susan T. Evans</i>
Date	Feb 25 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span>	
Typed or printed name	
Signature	Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/17 (11-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**1,202.00****Complete if Known**

Application Number	09/577,264
Filing Date	May 22, 2000 <b>FAX RECEIVED</b>
First Named Inventor	John S. PATTON
Examiner Name	Unassigned <b>FEB 25 2002</b>
Group Art Unit	1654
Attorney Docket No.	0002.12 <b>EXAMINATIONS OFFICE</b>

**METHOD OF PAYMENT (check all that apply)**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	500348
Deposit Account Name	Inhale Therapeutic Systems, Inc.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments☐ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity / Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 740	201 370	Utility filing fee	740.00
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

**SUBTOTAL (1)** (\$)**740.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
23	-20** = 3	18	54
5	-3** = 2	84	168
Multiple Dependent			

Large Entity / Small Entity		Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
103 18	203 9	Claims in excess of 20	
102 84	202 42	Independent claims in excess of 3	
104 280	204 140	Multiple dependent claim, if not paid	
109 84	209 42	** Reissue independent claims over original patent	
110 18	210 9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$)**222.00**

\*\*or number previously paid, if greater, For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES****Large Entity / Small Entity**

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	130.00
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	110.00
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

**\*Reduced by Basic Filing Fee Paid** **SUBTOTAL (3)** (\$)**240.00****SUBMITTED BY**

Name (Print/Type)	Susan T. Evans	Registration No. (Attorney/Agent)	38,443	Telephone	650-631-3100
Signature	<i>Susan T. Evans</i>	Date	2-25-02		

Complete (if applicable)

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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#5

DECLARATION FEB 25 2002

Attorney Docket No. 15225-3

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE** the specification of which X is attached hereto or        was filed on        as Application Serial No.        and was amended on        (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

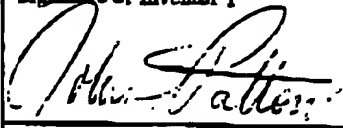
Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119
			Yes <u>      </u> No <u>      </u>
			Yes <u>      </u> No <u>      </u>

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing	Status
		<u>      </u> Patented <u>      </u> Pending <u>      </u> Abandoned
		<u>      </u> Patented <u>      </u> Pending <u>      </u> Abandoned

Full Name of Inventor 1	Last Name <b>PATTON</b>	First Name <b>John</b>	Middle Name or Initial <b>S.</b>	
Residence & Citizenship	City <b>San Carlos</b>	State/Foreign Country <b>California</b>	Country of Citizenship <b>United States of America</b>	
Post Office Address	Post Office Address <b>330 Emerald Avenue</b>	City <b>San Carlos</b>	State/Country <b>California</b>	Zip Code <b>94070</b>
Full Name of Inventor 2	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code
Full Name of Inventor 3	Last Name	First Name	Middle Name or Initial	
Residence & Citizenship	City	State/Foreign Country	Country of Citizenship	
Post Office Address	Post Office Address	City	State/Country	Zip Code

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1 	Signature of Inventor 2	Signature of Inventor 3
Date <b>9/25/92</b>	Date	Date

DECLARATION

## ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, JOHN S. PATTON, 330 Emerald Avenue, San Carlos, CA 94070, hereinafter referred to as "Assignor", is the inventor of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: **PULMONARY DELIVERY OF ACTIVE FRAGMENTS OF PARATHYROID HORMONE**

Date(s) of execution: Sept. 28, 1992

Filing date: Sept. 29, 1992 Serial No.: \_\_\_\_\_; and

WHEREAS, INHALE THERAPEUTIC SYSTEMS, a California corporation, located at 3603 Haven Avenue, Ste. D, Menlo Park, California 94025, hereinafter referred to as "Assignee", is desirous of acquiring an interest in the invention and application and in any Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and all future improvements thereon, and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that he/she will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

John S. Patton  
John S. Patton

9/29/92  
(date)

STATE OF California )

COUNTY OF )

ss.

BEFORE ME \_\_\_\_\_, a Notary Public, duly commissioned and sworn, personally appeared \_\_\_\_\_, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person/s whose name/s is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the \_\_\_\_\_ County of \_\_\_\_\_ on the date set forth in this certificate.

My Commission Expires: \_\_\_\_\_

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OFFICE

SEP 29 1992

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